

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7041

BILL NUMBER: HB 1248

NOTE PREPARED: Jan 9, 2011

BILL AMENDED:

SUBJECT: Premarital Preparation Course and Fee Reduction.

FIRST AUTHOR: Rep. Noe

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill establishes a \$10 fee for a marriage license and an \$8 marriage certificate fee for Indiana residents if the individuals have completed a premarital preparation course that meets certain requirements. The bill increases the fee for a marriage license for individuals who have not completed a premarital preparation course from \$10 to \$40. The bill increases the fee for a marriage certificate for Indiana residents who have not completed a premarital preparation course from \$8 to \$32.

The bill requires an individual who is less than 18 years of age to complete a premarital preparation course before the individual may marry.

The bill requires the Office of the Secretary of Family and Social Services (FSSA) to review and approve research-based marriage and relationship curricula for certain purposes. The bill establishes requirements for the premarital preparation course.

The bill establishes the nonreverting Healthy Marriages Fund to provide financial assistance to low-income individuals for the cost of completing a premarital preparation course. Interest accruing to the fund is required to be deposited in the fund and money in the fund is continually appropriated. The bill requires FSSA to administer the fund and to determine the eligibility standards required to receive assistance from the fund.

Effective Date: July 1, 2011.

Explanation of State Expenditures: The bill would require FSSA to review and approve research-based marriage and relationship curricula in order to approve low-cost training programs not offered by licensed

or certified professionals or members of the clergy with relevant training. The bill is not clear with regard to how the FSSA approval is related to a clerk's office determination that a course meets the required criteria.

FSSA is also required to administer a program to provide financial assistance to low-income individuals for the cost of a qualifying premarital preparation course. FSSA is required to establish eligibility for financial assistance and may promulgate and adopt rules to do so. The cost of this provision is indeterminate at this time.

Explanation of State Revenues: Summary: There are no data regarding the number of couples in Indiana that currently receive premarital preparation courses. Additional revenues to the nonreverting state Healthy Marriages Fund and county general funds would depend on the number of couples that would choose to participate in the required premarital preparation in order to receive the reduced fees.

The bill requires \$30 in additional marriage license fees be collected from couples filing applications where both parties have not completed a premarital preparation course that meets the requirements of the bill. This \$30 fee would be deposited in the Healthy Marriages Fund. The amount of revenue deposited into the Healthy Marriages Fund would depend on the number of couples that would decide to pay the additional fee rather than complete the required preparation course. If the number of applicants for marriage licenses is similar to the number of persons married in 2004, and 30% of marriage license applicants choose to forego the premarital preparation requirements and pay the \$30 additional fee, revenue of \$391,464 would be deposited in the Healthy Marriages Fund. [This is an illustrative scenario. There are no data to indicate how many couples would choose not to participate in the required preparation.]

Background Information: In CY 2004, the last year for which the Indiana State Department of Health published a marriage statistical report, 43,496 marriages were recorded. Approximately 4%, or 1,891, of the total marriages were between nonresident individuals. The marriage certificate provisions of the bill would have applied to 94%, or 41,605, of all marriages annually. There were 345 individuals under the age of 18 married in 2004. Under the provisions of the bill, these individuals would be required to participate in the premarital preparation courses in order to receive a license.

Explanation of Local Expenditures: Clerks' offices would be required to ascertain that applicants for marriage licenses and certificates had met the requirements to receive the reduced license and certificate fees. The bill is silent with regard to whether the clerks must file the documentation or how long a certificate of completion is valid.

Explanation of Local Revenues: The bill would require an additional fee of \$24 be collected for the issuance of a marriage certificate if both members of the couple have not completed a qualifying premarital preparation course. If neither of the individuals is a resident of Indiana, the premarital preparation provision would not apply. The \$24 fee would be deposited in the county general fund. Additional county general fund revenue that would result from the increase in marriage certificate fees would depend on the number of couples that would decide to pay the additional amount and avoid participating in the premarital preparation course. If applicants for marriage licenses are similar to the numbers of persons married in 2004, and 30% of marriage license applicants choose to forego the premarital preparation requirements and pay the \$24 additional fee, revenue of \$299,556 would be deposited in the various county general funds. [This is an illustrative scenario. There are no data to indicate how many couples would choose not to participate in the required preparation.]

State Agencies Affected: FSSA, Treasurer of State.

Local Agencies Affected: Clerks

Information Sources: "Indiana Marriage Report, State and County Data 2004", published December 2007, Indiana State Department of Health, at <http://www.in.gov/isdh/reports/marriage/2004/index.htm>

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